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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/785,356 | 02/16/2001 | Charles William Fisher | 8425L | 3526 |

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EXAMINER

BALSIS, SHAY L

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 05/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/785,356

Applicant(s)

FISHER, CHARLES WILLIAM

Examiner

Shay L Balsis

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1744

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 10 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5, 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 12, 16, 22, 60 and 100. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 19. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “10” has been used to designate both the appendages of embodiment 1 and of embodiment 2. The appendages must be labeled as different reference numbers to show that they represent different elements. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the telescoping body of claim 14 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

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A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities:

Page 5, lines 6-11 states that the rigid stem has two reference numbers 15 and 25.

Applicant needs to correct so that the rigid stem is number 15 to correspond with the drawings.

Throughout the specification the sheet holder has been designated by reference numbers 30, 32 and 34. Applicant needs to correct the entire specification so that all the reference number for the sheet holder matches that in the drawing. The drawings show that the sheet holder is reference number 34.

Appropriate correction is required.

Claim Objections

6. Claims 10 and 12 are objected to because of the following informalities:

Claim 10 is dependent from claim 8, however, examiner believes that applicant meant for it to be dependent off of claim 9. This is how the application was examined. If this is an incorrect assumption then examiner will withdrawal the claim objection.

Claim 12 is dependent from claim 12, however, examiner believes that applicant meant for it to be dependent off of claim 11. This is how the application was examined. If this is an incorrect assumption then examiner will withdrawal the claim objection.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 4, 7 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 and 13 recites the limitation "the robot" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation that the body has a height less than 15.5 cm. Examiner is confused as to what the height is with respect to. Does the applicant actually mean height or does the applicant mean length?

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-4 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Guha (USPN 5555587).

Guha teaches a floor mopping machine with appendages (fig 1d) that are attached for lateral extension. The appendage comprises a body (17) with a top side and bottom side. The body is biased downward by means of a rim (16) that extends along the periphery of the body. The body is sponge material that is flexible and resilient. The appendage is pivotally (18)

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attached to the floor mopping machine allowing for pivotal rotation of the body up and down (col. 3, lines 1-30). As shown in figure 1e, the body of the appendage is shown to be less than 15.5 cm or 6.10 inches as well as have an aspect ration of at least 4.

11. Claims 1-3 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Gurstein et al. (USPN 5870971).

Gurstein et al. teaches a floor mopping machine with an appendage (fig 4) that is attached for lateral extension. The appendage comprises a body (50) with a top side and bottom side. The body is biased downward by means of a rim (3) that extends along the periphery of the body. The body is made from a flexible and resilient material (col. 6, lines 54-65). As shown in figure 4, the body of the appendage is shown to be less than 15.5 cm or 6.10 inches as well as have an aspect ration of at least 4.

12. Claims 1 and 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura et al. (USPN 5720077).

Nakamura et al. teaches a floor cleaning robot with an appendage (37) that is attached for lateral extension. The appendage comprises a body (37) with a top side and bottom side. The body is biased downward by means of a rim (figure 1) that extends along the periphery of the body. The appendage is translationally attached to the robot to allow for movement in the horizontal plane relative to the apparatus (fig 5). As shown in figure 1, the body of the appendage is shown to be less than 15.5 cm or 6.10 inches as well as have an aspect ration of at least 4.

13. Claims 9-12 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Gallo (USPN 3981106).

Gallo teaches a floor cleaning robot with an appendage (fig 2) that is attached for lateral extension. The appendage comprises a body (76) with a top side and bottom side. On the top side there are spikes (80) to hold the pad/cleaning sheet (78) and downward biasing means (64) on the periphery of body. The body is a flexible, resilient material in order to withstand the defects and imperfections in the flooring. The body of the appendage is integral to a sheet holder body located under the mobile apparatus as seen in figure 3.

14. Claims 9-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Petner (USPN 5915437).

Petner teaches a floor cleaning device comprising a body (4) with a top side and bottom side. On the top side there are sheet retaining mechanisms (9) and on the bottom there is a pad (5). The sheet retaining mechanisms holds cleaning sheets (6) in place to ensure attachment. The body is biased downward by means of a rim (3) that extends along the periphery of the body. The body is a flexible, resilient material in order to withstand the defects and imperfections in the flooring. The body is pivotally connected to the handle. The body of the appendage is integral to the sheet retaining mechanisms as seen in figure 1. While Petner invention is not a robot, the limitation for a mobile apparatus exists only in the preamble of the claims. Therefore, that is the intended use of the claim and holds no patentable weight.

Conclusion


15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 703-305-7275. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on 703-308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5665.

slb
April 24, 2003


ROBERT J. WARDEN, SR.
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